

SK:WPC/CWE/MD
F. #2019R01291

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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Filed
In Clerk's Office
US District Court
E.D.N.Y
October 31, 2022
20-CR-98 (S-1) (FB)

UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

TIMOTHY MARTINEZ,

Defendant.

Cr. No. 20-098 (S-1)(FB)
(T. 18, U.S.C., §§ 2251(e), 2252(a)(2),
2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
2253(a), 2253(b) and 3551 et seq.;
T. 21, U.S.C., § 853(p))

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THE GRAND JURY CHARGES:

COUNT ONE

(Sexual Exploitation and Attempted Sexual Exploitation of a Child)

1. In or about October 2016, within the Eastern District of New York and elsewhere, the defendant TIMOTHY MARTINEZ did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, and attempt to do so, to wit: Jane Doe, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and which would be in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual

depictions were actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 2251(e) and 3551 et seq.)

COUNT TWO

(Receipt and Attempted Receipt of Child Pornography)

2. In or about June 2018, within the Eastern District of New York and elsewhere, the defendant TIMOTHY MARTINEZ did knowingly and intentionally receive and attempt to receive one or more visual depictions, to wit: digital videos and images available at Internet links <https://t.co/qxFEBVigHa>, <https://t.co/GXJ1yAisPm>, <https://t.co/3411XRYhhy>, <https://t.co/t3wTapRsPm>, <https://t.co/HQsi8sSJUG>, <https://t.co/65xwVI4Jy7>, <https://t.co/7cCcoJTLhH>, <https://t.co/Xmz75WPKfT> and <https://t.co/BKnXjQZhW6>, using a means and facility of interstate and foreign commerce, and which visual depictions had been mailed, and had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions having been of such conduct.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT THREE

(Possession of Child Pornography)

3. In or about and between October 2016 and September 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TIMOTHY MARTINEZ did knowingly and intentionally possess matter which

contained one or more visual depictions, to wit: digital videos and images stored on a Toshiba laptop with serial number FF184805C and an HP laptop with serial number CND63726BZ, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions having been of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

4. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of: (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including but not limited to the following assets seized on or about September 24, 2019 in Staten Island, New York:

- (i) one Toshiba laptop with serial number FF184805C; and
- (ii) one HP laptop with serial number CND63726BZ.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL

Deighton Reid
FOREPERSON

By Carolyn Pokorny, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2019R01291
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

TIMOTHY MARTINEZ,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 2251(e), 2252(a)(2), 2252(a)(4)(B), 2252(b)(1), 2252(b)(2),
2253(a), 2253(b) and 3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.

Daigton Reid
Foreperson

Filed in open court this _____ day.

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

William P. Campos and Chand Edward-Balfour, Assistant U.S. Attorneys (718) 254-6104/6238